

Assembly Bill No. 392

CHAPTER 102

An act relating to long-term health care facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 392, Feuer. Long-term health care facilities.

Existing law provides for the licensure of long-term health care facilities by the State Department of Public Health. Under existing law, the Long-Term Care, Health, Safety, and Security Act of 1973, the department may assess penalties for violation of prescribed state and federal requirements. Moneys collected as a result of the penalties imposed pursuant to these provisions are required to be deposited into either the State Health Facilities Citation Penalties Account or the Federal Health Facilities Citation Penalties Account, and used, upon appropriation by the Legislature, for the protection of health or property of residents of long-term health care facilities, including reimbursing residents for personal funds lost and costs associated with informational meetings.

Existing law establishes the Office of the State Long-Term Care Ombudsman in the California Department of Aging. Under existing law, the office is responsible for, among other things, investigating and resolving complaints and concerns communicated by or on behalf of patients, residents, or clients of long-term care facilities, as defined. Existing law authorizes the California Department of Aging to allocate all federal and state funds for local ombudsman programs according to a specified distribution schedule.

This bill would appropriate \$1.6 million from the Federal Health Facilities Citation Penalties Account to the California Department of Aging for use in funding local ombudsman programs pursuant to the aforementioned distribution schedule, before the end of the 2009–10 fiscal year.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The sum of one million six hundred thousand dollars (\$1,600,000) is hereby appropriated from the Federal Health Facilities Citation Penalties Account to the California Department of Aging for use in funding local ombudsman programs pursuant to the distribution schedule

in Section 9719.5 of the Welfare and Institutions Code. These funds may be used for this purpose through the end of the 2009–10 fiscal year, at which time remaining funds shall revert to the originating account.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect the safety of older Californians by funding vital services for the inspection of long-term care facilities, it is necessary that this bill take effect immediately.